

U.S. District Court for the Northern District of Texas
Instructions to a Prisoner *Pro Se* Plaintiff

Your suit HERNANDEZ V. DAVIS–DIRECTOR TDCJ–CID was filed on 5/15/2020 and has been assigned to the Honorable A. Joe Fish, case number 3:20–cv–01270–G–BN.

These instructions do not include everything you need to know to pursue your case, but following them may help you avoid common mistakes that can result in delay or other consequences—including dismissal of your case.

1. Filing Procedures – The Local Civil Rules include the following requirements:

- ◆ You must submit a judge's copy (a paper copy) of any document you file. If you want a file–stamped copy returned to you, submit the original, the judge's copy, and an extra copy to be returned to you, and provide a self–addressed, postage–paid envelope. The clerk cannot make an extra copy for you unless you first pay a fee of 50 cents per page.
- ◆ You must type or legibly handwrite your documents on one side of numbered pages. Any exhibit or discovery material attached to the filing must be referred to in the filing. Any exhibit or discovery material not referred to in your filing or not attached to your filing may be returned to you.

2. Address Change – You must notify the Court if your address changes, or your case may be dismissed. Promptly file a written change of address notice in your case.

3. Rules to Follow – You must read and follow the Court's Local Civil Rules and the Federal Rules of Civil Procedure. Because the presiding judge is authorized to change how certain rules apply, you must read and follow the judge's orders in your case.

4. Request for Attorney – In a civil case, you generally are not entitled to a court–appointed attorney to represent you without cost to you. If you request a court–appointed attorney, a judge will decide whether to appoint an attorney depending on the circumstances of the case. Even if the court decides to appoint an attorney, the attorney cannot be forced to accept the appointment. You may call the Lawyer Referral Service of the State Bar of Texas at (800) 252–9690 for assistance in securing the services of a private attorney to represent you for a fee.

5. Initial Case Review – If the Court grants leave to proceed in forma pauperis, service of process will be withheld pending review of your complaint, and your complaint may be dismissed pursuant to 28 U.S.C. § 1915(e)(2).

6. Copies to Defendant – After a defendant has been served your complaint, you must serve a copy of any other document you file upon the defendant's attorney (or upon the defendant, if the defendant is pro se). You must serve the opposing side by mail or another manner authorized by Fed. R. Civ. P. 5 (b)(2). All documents must contain a Certificate of Service reflecting that you served the opposing side. This is an example of language you may use:

- ◆ I hereby certify that on (Date), I forwarded a copy of the foregoing document to _____, the attorney for (Defendant) at the address of _____.

/Signature/

7. Discovery Materials – Do not file discovery materials with the clerk. If you file a motion to compel discovery, you may attach only the portions of discovery that are relevant to your motion.

8. Questions About Your Case – Do not write letters to the judge asking questions about your case – all communication with the judge should be through filings. Do not write letters to the clerk asking for instructions on how to handle your case, since the clerk is prohibited from giving legal advice.